

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CRIMINAL MINUTES - GUILTY PLEA HEARING

Case No.: 4:18CR00012-004

Date: 2/10/2020

Defendant: Montez Lamar Allen, custody

Counsel: Neil Horn, Seth Weston - CJA

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ	TIME IN COURT: 10:36-11:45 51m
	Deputy Clerk:	Kristin Ayersman	
	Court Reporter:	Mary Butenschoen	
	U. S. Attorney:	Heather Carlton, Ron Huber	
	USPO:	Kim Falatic	
	Case Agent:	Devin Taylor, FBI	
	Interpreter:	none	

PROCEEDINGS:

- ☐ Waiver of Indictment filed.
- ☐ Information filed.
- ☒ Plea Agreement filed with court; SOF filed with court.
- ☐ Defendant advised of right to have U. S. District Judge accept plea. Defendant waives this right, and executes Consent to Allow U. S. Magistrate Judge to accept plea
- ☐ Defendant re-arraigned as to Counts Enter counts to which pleading guilty
- ☒ Defendant placed under oath. Court questions defendant regarding his/her physical and mental condition, and advises defendant of his/her rights, and the nature and possible consequences of plea.
- ☒ Court takes under advisement plea of guilty and Rule 11(c)(1)(C)plea agreement. The court finds the defendant competent and capable of making a knowing, informed and voluntary plea.
- ☒ Guilty plea form executed and filed.
- ☒ Government summarizes evidence to support plea and rests.
- ☐ Court finds defendant guilty as charged in Counts
- OR
- ☐ U. S. Magistrate Judge accepts plea of guilty to Counts enter counts to which defendant pled guilty and will recommend that the U. S. District Judge find the defendant guilty of said counts.

DEFENDANT PLEADS:**(list counts)**

DEF. #	GUILTY	NOT GUILTY	NOLO	REMARKS
1	1			
2				
3				
4				

- ☒ Court orders Presentence Report.
- ☐ Copy of Presentence Report not requested.
- ☐ Defendant to remain on bond.
- ☒ Defendant remanded to custody.
- ☒ Sentencing hearing scheduled for TBA before Judge Urbanski.

Additional Information:

Parties/court located in Roanoke.

Dft counsel raises objection re jurisdiction/appeal status (interlocutory appeal filed by US) and going forward today. US disagrees with position of dft - for reasons stated on record. Court believes it has jurisdiction for reasons stated on record.

Court asks US for justifiable reasons for accepting plea in this range of punishment. US responds as stated on record. Dft counsel responds as stated on record. Dft wants the court to accept plea and PA at this time. Court takes plea under advisement. US requests sentencing prior to trial of this case and requests that SOF be used in PSR.

US speaks for victim's family - objection to plea agreement, as insufficient.